

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
BRYSON CITY DIVISION**

UNITED STATES OF AMERICA,)	CASE NO. 2:08CR15
Plaintiff,)	(Financial Litigation Unit)
v.)	
)	
GARY DAVID LAMBERT,)	
Defendant,)	
and)	
)	
EASTERN BAND OF CHEROKEE)	
INDIANS.)	
Garnishee.)	
_____)	

CONSENT ORDER OF CONTINUING GARNISHMENT

The parties, the United States of America, and the defendant, agree and stipulate as follows:

1. The defendant is Gary David Lambert, Social Security Number XXX-XX-7958, whose last known address is: Cherokee, NC 28719.
2. A criminal judgment was entered against the defendant in this action where he was ordered to pay an assessment and restitution in the amount of \$12,020.00. The parties agree and stipulate that the total balance due is \$8,128.00 as of July 23, 2009.
3. On July 14, 2009, this Court entered an Order of Garnishment in the amount of \$12,020.00, computed through April 17, 2009, which attaches to each *per capita* distribution of gaming revenues.
4. The garnishee has in its possession, custody or control property of the defendant in the form of *per capita* distributions that are paid bi-annually to the defendant.
5. Subject to the outcome of the pending appeal, the defendant agrees and stipulates that his *per capita* distributions are subject to garnishment under 28 U.S.C. §3205 and expressly agrees

and stipulates that the entry of a Consent Order in Garnishment is proper.

6. The parties agree and stipulate to the entry of a Consent Order of Continuing Garnishment against *per capita* distributions of the defendant. It is expressly agreed and stipulated to by the parties that the garnishee pay the plaintiff 25% of each *per capita* distribution payments and continue said payments until the debt to the plaintiff is paid in full or until the garnishee no longer has custody, possession or control of any property belonging to the defendant or until further Order of this court. *See* 15 U.S.C. 1673.

7. Payments should be made payable to the United States Clerk of Court and mailed to the United States Clerk of Court, 401 West Trade Street, Charlotte, NC 28202.

8. The parties agree and stipulate that the plaintiff will submit this debt to the Treasury for inclusion in the Treasury Offset Program. Under this program, any federal payment the defendant would normally receive may be offset and applied to this debt.

Respectfully submitted,

EDWARD R. RYAN
ACTING UNITED STATES ATTORNEY

/s/JENNIFER A. YOUNGS
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Agreed and Consented to:

/s/ROBERT O. SAUNOOKE
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THE PARTIES HAVING CONSENTED, IT IS SO ORDERED.

Signed: August 17, 2009

A handwritten signature in black ink, appearing to read 'L. H. Thornburg', is written over a horizontal line.

Lacy H. Thornburg
United States District Judge

